

REMARKS

Claims 1-4 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-4 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over IETF Draft by Draves titled "Default Address Selection for IPv6" (hereinafter "Draves"), in view of U.S. Patent No. 6,748,434 to Kavanagh, and the e-mail message posted by Keith Moore on the IETF IPv6 Operations (v6ops) Working Group's discussion board on November 18, 2002 (hereinafter "Moore"). Applicant respectfully traverses the rejection.

In the Office Action, the Examiner conceded that Draves fails to teach or suggest a DNS server comprising:

address sequencing means, for sequencing, as a function of said IPv6 address of the first network element, a plurality of IPv6 addresses associated with said second network element, and for putting one or more IPv6 addresses associated with said second network element in the order of the sequence in said response.

(Office Action, P. 5). To supplement for this deficiency, the Examiner cited the teachings of Kavanagh and cited the e-mail by Moore as suggesting a reason to combine these teachings. As discussed below, Applicant respectfully submits that Kavanagh fails to teach or suggest the above requirement of the claims and further that Moore fails to provide a motivation to one of ordinary skill in the art to modify the DNS server of Draves to "sequenc[e], as a function of said IPv6 address of the first network element, a plurality of IPv6 addresses associated with said second network element".

First, contrary to the Examiner's assertion, Applicant respectfully submits that Moore fails to teach or suggest a DNS server. The socket getaddrinfo() is a generic function through which an application requests an operating system to convert a name into an address. Applicant respectfully submits that getaddrinfo() **is not at all specific to DNS servers**. It is implemented by a variety of network elements, including any IP host, through a variety of lower layer functions, e.g. NIS, /etc/hosts, WINS, Netbios.

Second, as previously pointed out in Applicant's Amendment under 37 C.F.R. § 1.111 filed February 26, 2008, Kavanagh fails to teach or suggest a “**plurality of IP addresses associated with a given network element**.” When Kavanagh refers to a **plurality of addresses, those belong to different network elements**, i.e. **GGSNs** (col. 5 lines 1-4; col. 9 lines 9-15). Indeed, Kavanagh discloses a node selector that **filters network nodes** and/or network links (col. 2 lines 1-11). The nodes and links are represented by IP addresses (col. 2 line 9). Hence, the entities that are subjected to selecting, grouping and/or preference ordering **are respective nodes represented by respective addresses**. The criteria taught by Kavanagh to effect this grouping or filtering are nodal criteria such as geographical location, functionality, or capacity (col 2 line 25-27), i.e. criteria that refer to features of the **respective nodes** (see also “local GGSN” col. 9 lines 29-36). Thus, at most, Kavanagh sequences a listing of each one respective address of each of a plurality of nodes. **Therefore Kavanagh fails to disclose address sequencing means for sequencing a plurality of IPv6 addresses associated with a given network element**.

Further, Applicant respectfully submits that Moore fails to provide any motivation to modify the DNS server of Draves to “sequenc[e], as a function of said IPv6 address of the first network element, a plurality of IPv6 addresses associated with said second network element”. As stated

above, the Examiner acknowledged that Draves does not disclose address sequencing being performed by a DNS server. In particular, in 3rd and 4th paragraphs of section 1, Draves teaches that a node which supports both an IPv4 and an IPv6 protocol stack queries a DNS server to resolve a given name. Then, the DNS returns a set of addresses comprising a global IPv6 address and a global IPv4 address. Then, the node uses a destination address selection algorithm for choosing among the set of addresses returned by the DNS. Therefore, it is clear that **the node** applies the destination ordering rules in section 6 to the set of addresses returned by the DNS, not the DNS. The Examiner asserted that the statement by Moore that “what is needed is to stop relying **so much** on applications/hosts choosing destination addresses. **Hosts should have as few addresses as possible. The network should make a best effort to deliver the traffic to whatever address is used over the links permitted for such use.**”

Applicant respectfully submits that the Examiner has read this statement in hindsight. In particular, Applicant respectfully submits that it is clear that Moore was stating that the number of addresses returned by the network should be reduced. (Moore, Lns. 7-9, “**Hosts should have as few addresses as possible . . . links permitted for such use.**”). **Nothing in the above statement mentions the DNS server sequencing a plurality of addresses “as a function of said IPv6 address of the first network element” and “putting [the] IPv6 addresses associated with said second network element in the order of the sequence in said response”.** Moore simply indicated that the reliance on the application/host should be reduced by having the network make an effort to reduce the number of addresses from which the application/hosts had to choose. However, it is clear that Moore was still suggesting that the application/hosts choose destination addresses. (Moore, Lns. 6, “**stop relying so much**”). Thus, Applicant respectfully

submits that, prior to the Applicant's disclosure, one of ordinary skill in the art would have understood Moore's e-mail to suggest the network should make an effort to reduce the plurality of destination addresses provided to the Host to choose from to those addresses used over "links permitted for such use" but not that a DNS server should be modified to sequence a plurality of addresses as claimed. (Moore, Ln. 9).

Accordingly, Applicant respectfully submits that claims 1-4 would not have been obvious under 35 U.S.C. § 103(a) over Draves in view of Kavanagh and Moore, because the references, alone or in combination, do not teach or suggest all of the features and limitations of the claims. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claim 1 and claims 2-4 at least by virtue of their dependency from claim 1.

II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Appln. No.: 10/787,145

Attorney Docket No.: Q79956

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 10, 2008

/Logan J. Brown 58,290/
Logan J. Brown
Registration No. 58,290